

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

In re

SARATOGA SPRINGS PLASTIC SURGERY, PC,

Debtor.

ROBIN YARINSKY,

Appellant,

-v-

SARATOGA SPRINGS PLASTIC SURGERY, PC,

Appellee.

1:03-CV-896 (Lead)
1:03-CV-897 (Member)
1:03-CV-996 (Member)

APPEARANCES:

OF COUNSEL:

NANCY E. BUNTING, ESQ.
Former Attorney for Appellant
58 Washington Street
Saratoga Springs, NY 12866

WAYNE P. SMITH, ESQ.
Attorney for Appellant
157 Barrett Street
Schenectady, NY 12305

O'CONNELL & ARONOWITZ, P.C.
Attorneys for Appellee
54 State Street, 9th Floor
Albany, NY 12207-2501

MICHAEL D. ASSAF, ESQ.

DAVID N. HURD
United States District Judge

ORDER

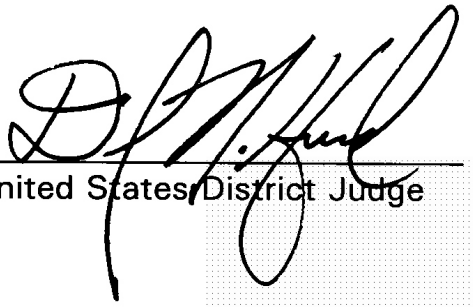
Pursuant to an Order and Stay pending appeal dated August 22, 2003, Wayne P. Smith, Esq., Nancy Bunting, Esq., and appellant Robin Yarinsky were directed to provide a cash undertaking in the amount of \$8,000 dollars as security to be deposited with the Clerk of the Court as a condition of issuance of the Stay. On March 2, 2006, the United States Court of Appeals for the Second Circuit issued a decision affirming this Court's Memorandum-Decision and Order. The Mandate issued on May 4, 2006, and was entered in this Court on May 16, 2006.

Accordingly, it is

ORDERED that said cash undertaking is RELEASED.

The Clerk of the Court is directed to release and pay over to Wayne P. Smith, Esq., the cash security posted August 28, 2003, in the amount of \$8,000 dollars, plus any accrued interest, less any administrative or other fees of the Clerk of the Court.

IT IS SO ORDERED.


United States District Judge

Dated: May 16, 2006
Utica, New York.